

05.2022.1697

Timmons

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

TRIBE COLLECTIVE LLC,)
)
Plaintiff,)
)
- vs -)
)
KINSALE INSURANCE COMPANY)
)
Defendant.)

**FILED IN DISTRICT COURT
OKLAHOMA COUNTY**

APR 13 2022

**RICK WARREN
COURT CLERK**

112

CJ - 2022-1697**PETITION**

COMES NOW Plaintiff and sues the Defendant as follows:

1. On or about February 9, 2022, Plaintiff discovered a loss covered by a policy of insurance issued to Plaintiff by Defendant.
2. At the time of the above loss, Plaintiff had a binding contract of insurance with Defendant. Plaintiff was insured by Defendant for, among other things, coverage for loss to property and coverage for lost profits. Plaintiff has satisfied the contractual condition precedent to coverage, complied with all material terms and conditions of the contract and Defendant has breached the same, thereby proximately causing damages to the Plaintiff.
3. Defendant unreasonably and in bad faith withheld payment of Plaintiff's claim. Defendant's conduct was not reasonable under the circumstances. More specifically, Plaintiff pleads as follows: Defendant was required under the insurance policy to pay Plaintiff's claim; Demand for payment was made; Defendant's refusal to pay the claim was unreasonable under the circumstances because it had no reasonable basis for the refusal; Defendant did not perform a proper investigation and/or did not evaluate the results of the investigation properly; Defendant did not deal fairly and in good faith with Plaintiff; and Defendant's violation of its duty of good faith and fair dealing was the direct cause of injury sustained by Plaintiff.

EXHIBIT

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4. Conduct may exist that would warrant punitive damages. As a result, punitive damages are sought.

WHEREFORE Plaintiff prays for judgment against the Defendant for compensatory and punitive damages in an amount in excess of the diversity jurisdiction of the United States District Courts, request costs, attorney fees, interest, and any other relief the Court deems proper.

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